

REMARKS

In paragraph 2 of the Office Action, the Examiner has rejected claims 1-12 under 35 U.S.C. § 102(b) as anticipated by Sargent et al. (U.S. Patent No. 5,234,466). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The '466 patent is not available as a reference under 35 U.S.C. § 102 against the present claims because the present application properly claims benefit of the filing date of the '466 patent under 35 U.S.C. § 120. The subject matter of claims 1-12 is entitled to this filing date because the '466 patent discloses this subject matter in the manner provided by 35 U.S.C. § 112, first paragraph. The test to determine if the requirements of 112, first paragraph have been met is whether the disclosure relied upon reasonably conveys to the artisan that the inventor had possession, at the time of filing, of the later claimed subject matter.

In paragraph 2, the Examiner states that the '466 patent discloses a method for decreasing the amount of sulfuric acid required by a papermaking process, and adjusting the pH of a process stream or solution of a papermaking process (see, col. 1 lines 54-61 and col. 3 lines 4-13). Therefore, according to the Examiner, at the time of filing the '466 patent, Applicants had in their possession the invention relating to the above identified subject matter. As a result, claims reciting decreasing sulfuric acid in a papermaking process by adding urea sulfate do not recite new subject matter and are thus entitled to claim priority to the '466 filing date under 35 U.S.C. § 120.

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Because the Examiner considers the '466 patent disclosure sufficient to anticipate the claimed invention, it must also be adequate to teach one skilled in the art to practice the invention. The disclosure of the '466 patent teaches one skilled in the art to use urea sulfate as a pH adjuster in any process in which sulfamic acid has traditionally been used in, including paper manufacturing, and specifically in the bleaching stage of the papermaking process (see Column 3, lines 4-19). Additionally the '466 patent discloses using urea sulfate to adjust the pH in the textile processing solution used during the processing of textile products which can be prepared from cellulose, which is a starting material in the papermaking process (see Column 3, lines 39-49 and lines 67-68).

Clearly, the disclosure of the '466 patent teaches the subject matter claimed in the application sufficiently to allow one skilled in the art to practice the present invention in any papermaking process. One simply has to replace all, or a portion of, the sulfuric acid used in the papermaking process with the corresponding amount of urea sulfate. The Examiner has failed to explain, using fact or scientific evidence, why this is not the case. See In re Dinh-Nguyen, 181 U.S.P.Q. 46 (CCPA 1974). Since Applicants are thus entitled to the benefit of the '466 patent filing date, it cannot be a reference against the claims, and the Examiner's rejection should be withdrawn.

Applicants respectfully submit that the claims are novel, nonobvious, and in condition for immediate allowance for the reasons set forth above. An early notification to that effect is earnestly solicited.

If the Examiner has any questions, or if further issues remain to be resolved,
the Examiner is respectfully requested to contact the undersigned.

Please charge any additional fees or credit any overpayment to Deposit Order
Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray
Reg. No. 35,799

OF COUNSEL :

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia, 30309-4530
404-815-6218
Attorney Docket No.: P2160/187847